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OUR FILE NO.: 17883-1**

March 10, 2008

VIA TELEFAX (202) 219-3923 AND U.S. MAIL

Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 5968

Dear Mr. Jordan:

The Arizona Democratic Party filed a complaint dated January 23, 2008, alleging that contributions from David Van Denburgh constitute violations of federal law. Specifically, the complaint alleges that a contribution of \$5,000.00 made by Mr. Van Denburgh to a political committee was "...designed to circumvent the individual contribution limits...". The allegation is incorrect.

Mr. Van Denburgh met with Congressman Shadegg on May 29, 2007, at which time the Congressman asked Mr. Van Denburgh for a contribution of \$5,000.00 to a political committee. Mr. Van Denburgh understood the purpose of the contribution was to provide money to be distributed to other Republican congressional candidates. An affidavit to this effect is attached.

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At no time did Mr. Van Denburgh know or understand that the \$5,000.00 contribution to LEAD PAC would benefit Congressman Shadegg or his campaign directly. Furthermore, to this day Mr. Van Denburgh does not know whether Congressman Shadegg or his campaign benefited directly from the contribution other than the allegations made in the letter of the Arizona Democratic Party dated January 23, 2008.

There are other allegations contained in the complaint letter, but those allegations contain factual assertions about which Mr. Van Denburgh has no knowledge. Mr. Van Denburgh also has no knowledge regarding contributions allegedly made by Mr. John Dawson. Mr. Van Denburgh is not certain he even knows Mr. Dawson, the name being rather common.

In summary, Mr. Van Denburgh had no knowledge, actual or otherwise, at the time the \$5,000.00 political committee contribution was made, that any portion of the contribution would be given back to Congressman Shadegg. *see* 11 C.F.R. § 110.1(h)(2). Should you have any additional inquiries, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Novak', with a long horizontal flourish extending to the right.

Edward F. Novak

EFN: cah
cc: David Van Denburgh
Enclosure

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28044221587

1 STATE OF ARIZONA }
2 County of Maricopa } as

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3 I, David S. Van Denburgh, being first duly sworn, hereby depose and state as follows:

4 1. I am a resident of Phoenix, Arizona, and a registered voter.

5 2. I reside in Congressional District 3 which is represented by Congressman John
6 Shadegg.

7 3. I invited Congressman Shadegg to lunch on May 29, 2007, at which time the
8 Congressman asked me to make a contribution to his campaign, "John Shadegg's Friends" and
9 to a political action committee, "LEAD PAC".

10 4. Congressman Shadegg told me that the PAC money would be used to support
11 other congressional candidates. On that basis I made a \$5,000.00 contribution in the form of a
12 personal check to LEAD PAD. The check was dated May 29, 2007. I was not told that the
13 \$5,000.00 contribution to LEAD PAC would go ^{to} the Congressman's campaign.

14 5. I was not aware that subsequent to May 29, 2007, the PAC contributed money to
15 Congressman Shadegg's campaign until I received the Democratic Party's complaint appended
16 to the Federal Election Commission letter dated January 31, 2007.

17 Further affiant sayeth not.

18 DATED this 12 day of March, 2008.

19
20 
David S. Van Denburgh

21
22 SUBSCRIBED AND SWORN to before me by David S. Van Denburgh this 1 day
23 of March, 2008.

24 
Notary Public

25 My Commission Expires:

26 July 1, 2010

